



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, September 8, 2003, at 7:00 p.m.

1. Call to Order/Roll Call

The following were present:

Mayor Billy Bain
Vice Mayor Eric Elza
Councilman Jim Caudle
Councilman Peter Pacheco
Councilman Rob Youngs

Also Present:

Interim City Manager/Bldg. Official Michael A. Sprovero
Acting Asst. City Mgr./Chief of Police H. Randall Dilling
City Attorney Jan K. Seiden
Finance Director Charles G. Marshall
Human Resources Director Loretta M. Boucher
Public Services Director Denise Yoezle
City Clerk Magalí Valls

2. Invocation: Mayor Bain offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

None.

4. Open Forum:

COLA/Merit Increases

Anna Gonzalez, Clerical Assistant in the City's Public Works Department, presented a petition signed by City employees requesting that the Mayor and Council consider a more favorable cost of living (COLA) increase, and to reconsider the freeze on the merit increases.

Ms. Gonzalez stated that the entire City Staff is dedicated to the quality and efficiency of service that they provide, and that freezing the merit increases and lowering the cost of living would create a hardship for many employees.

Ms. Gonzalez pointed out that several employees are working at the top of the pay scale who have not had merit increases for several years, and lowering the cost of living to 1% would effectively take away any opportunity for an increase. She added that the medical insurance benefits have declined, while the cost increased. Ms. Gonzalez said that the employees feel that if there are going to be any merit freezes or reduction to the cost of living that it should start at the top.

Ms. Gonzalez asked the City Council to support the employees and their families by considering other options available to offset any budget concerns and to give the employees their well-deserved increase.

Mayor Bain stated that Council would consider the employees' request during the budget public hearing.

Comprehensive Plan/Zoning Code

Robert Schwinger of 630 Cardinal Street stated that the Neighborhood Business District in the Comprehensive Plan does not include district boundary regulations or guidelines. He asked Council to address each land use district, and to bring the Code up to date with the Comprehensive Plan. Mr. Schwinger explained that the owners of Poinciana Motors are proposing a design consisting of three strip stores on the ground floor and two additional floors with apartments.

Attorney Seiden stated that the Comprehensive Plan includes the definition for Neighborhood Business District, but that district boundary regulations were never developed for this or any other district. He explained that there are pending development projects that deal with the very same issues.

Attorney Seiden said that the Comprehensive Master Plan must be implemented by taking the theory of the district, and the design regulations to fit the district, such as the height of the building, the property setbacks, and the landscape requirements. He added that the property in question is located in what was a B-2 zoning district, which would not translate into a Neighborhood Business District, there are a number of differences, and Council must determine the issues when they are presented.

Attorney Seiden explained that the proposed design is close to the floor area ratio (FAR), there are problems with the parking and the footprint of the building, and another problem is that the project is 10% business and 90% residential, which is something that Council must determine. He suggested that the City Planner could begin to design regulations for the district that would come back to Council for discussion.

Vice Mayor Elza stated that Council should give direction to the City Attorney, City Manager and City Planner to proceed ahead with scheduling an agenda item to discuss the Neighborhood Business District category.

Councilman Youngs asked if conforming the Zoning Code to the Comprehensive Plan is something that would be too involved for one meeting, and if the matter should be addressed at a Special Meeting.

Attorney Seiden suggested that if Council were to consider all districts at the same time, they would all fit together, and a separate meeting would be in order. He explained that a property owner who is proposing a project brought the issue to the attention of the City Administration, and there is another potential large project planned in the Airport District that would have the same problem.

To answer Councilman Youngs' question, Attorney Seiden suggested that City Planner Richard E. Ventura could prepare the recommendations, which would come back to Council during a Special Meeting.

Councilman Pacheco asked the City Planner how much time is required to prepare the recommendations.

City Planner Richard E. Ventura suggested a one-month time frame, and that Council should schedule a Special meeting.

Attorney Seiden felt that the City Planner would need one month to address one zoning district. He said the Airport district involves multi-level commercial buildings, the floor area ratio (FAR) is very low, and for the possibility of any substantial development, the FAR must be changed.

Vice Mayor Elza reported that the County is proposing a change in the land use plan for the Airport area, which will be presented in October. He suggested that before addressing the Airport district, Council should determine that the two plans co-exist, because there are restrictions regarding residential areas and school boundaries.

Council directed the City Planner to advise Council when his recommendations would be complete and to schedule the matter for discussion during a Special Meeting.

COLA Increase

Allene Paz, Administrative Assistant in the City's Public Works Department, said that last year's 2% cost of living increase was more than offset by the increase in the cost of health insurance, and employees were forced to reduce their insurance coverage. She explained that many employees are working at the maximum salary for their position, and they only receive the cost of living increase. Ms. Paz urged Council to keep the cost of living at the same level as last year.

Shutter Ordinance

Former Councilwoman Helen L. Gannon of 219 Miami Springs Avenue explained that the residents pay high taxes and the appearance of shuttered homes takes away from the beauty of the City, and that senior citizens or people who are out of town should make arrangements to have someone put the shutters up or down. She asked Council to reconsider increasing the time permitted for the installation and removal of storm protection devices.

“Taste of the Springs”/Springs River Festival

Constance Brandenburg of 851 Falcon Avenue, Springs River Festival Chairperson, reported that the annual “Taste of the Springs” fundraiser would be held at the Miami Springs Golf and Country Club on Sunday, September 28, 2003, at 5:00 p.m. and that tickets are available for \$20.00.

Ms. Brandenburg requested, and Council approved the 2004 Springs River Festival dates for April 16, 17, and 18, 2004.

Vice Mayor Elza moved to approve April 16, 17 and 18, 2004 for the Springs River Festival. Councilman Pacheco seconded the motion, which carried unanimously on roll call vote.

Ms. Brandenburg asked Council to provide funds in the budget to offset some of the costs for the Springs River Festival.

Vice Mayor Elza stated that funds are included in the proposed budget for Downtown projects and after the budget is finalized, Council could consider utilizing some of the funds for a donation to the Springs River Festival Committee.

Single-family Zoning Violations

Buzz Fleischman of 810 Pinecrest Drive alleged that the City is not enforcing the single-family zoning violations. He urged Council to take action that would allow the Code to be enforced because it is a quality of life issue.

City Website

Dona Kelley of 830 Swan Avenue said that she appreciates having the Council agenda back on the website.

City Hall Air Conditioning

Dona Kelley of 830 Swan Avenue hopes that the City Hall air conditioning repairs would moderate

the temperature in the Council Chambers.

“No Place for Hate” Campaign

Dona Kelley of 830 Swan Avenue endorsed the Anti-Defamation League (ADL) “No Place for Hate” Campaign. She said that the ADL has a ninety-year history of fighting bigotry in South Florida, and that it would be good for the community to endorse the concept.

Porte-cochere Additions

Dona Kelley of 830 Swan Avenue said that homeowners should have the option of constructing porte-cochere additions if they are compatible with the architecture and required setbacks, as long as the space is used for cars and not for additional storage.

Country Club Marketing Plan

Dona Kelley of 830 Swan Avenue felt there should be new negotiations for the Miami Springs Golf and Country Club marketing plan since Council has changed the services that are offered.

Salaries

Joe Derry of 13 South Royal Poinciana Boulevard, Apartment 11, said employees could not be hired when they are not paid the competitive rate, and the people who are hired are not capable of performing the work.

5. Approval of Council Minutes: (Approved simultaneously)

5A) 08/11/2003 - Regular Meeting

Minutes of the August 11, 2003 Regular Meeting were approved as written.

Councilman Pacheco moved to approve, and Councilman Caudle offered the second. On roll call vote, the motion carried 4-0 with Vice Mayor Elza abstaining.

5B) 08/18/2003 - Workshop Meeting

Minutes of the August 18, 2003 Workshop Meeting were approved as written.

Councilman Pacheco moved to approve, and Councilman Caudle offered the second. On roll call vote, the motion carried 4-0 with Vice Mayor Elza abstaining.

(Agenda Item 7A1 was discussed at this time)

6. Reports from Boards & Commissions:

6A) 8/28/2003 - Ecology Board - Minutes

Minutes of the August 28, 2003 Ecology Board meeting were received for information without comment.

6B) 09/02/2003 - Code Enforcement Board - Cancellation Notice

Cancellation Notice of the September 2, 2003 Code Enforcement Board meeting was received for information without comment.

6C) 09/03/2003 - Zoning and Planning Board - Cancellation Notice

Cancellation Notice of the September 3, 2003 Zoning and Planning Board meeting was received for information without comment.

6D) 09/03/2003 - Board of Adjustment - Approval of Actions Taken at their Meeting of September 3, 2003

Actions taken by the Board of Adjustment at their meeting of September 3, 2003 were approved subject to the 10-day appeal period.

Vice Mayor Elza moved to approve the actions taken by the Board of Adjustment subject to the 10-day appeal period. Councilman Pacheco seconded the motion, which carried 4-0 on roll call vote (Councilman Caudle was absent at roll call).

7. Public Hearings:

7A) First Public Hearing on the Proposed Fiscal Year 2003-2004 Budget and Ad Valorem Millage Levy

7A1) Resolution – A Resolution of the City Council of the City of Miami Springs Tentatively Approving Fiscal Year 2003-2004 Budget; Confirming Date, Time and Place of Final Public Hearing

Interim City Manager/Building Official Michael A. Sprovero referred to a memorandum from Finance Director Charles G. Marshall regarding changes to the proposed/tentative budget for Fiscal Year 2003/2004.

Mr. Sprovero stated that the Administration is recommending a 2% cost of living increase (COLA) for all employees, which would be a total salary increase of \$57,723.00 for all funds. The decrease for medical insurance for all funds is \$69,414.00 due to lower rates that were submitted by an insurance carrier.

The Recreation Department budget decreased by \$13,000.00, because a vehicle was deleted at a cost of \$16,000.00, and the Repairs and Maintenance line item increased \$3,000.00.

Mr. Sprovero added that the Planning Department budget increased \$40,000 to include grant writing services, and the Public Works Properties division decreased \$33,500, which represents one vehicle, and more accurate pricing on a proposed vehicle.

Mr. Sprovero said that the freeze on merit increases for next calendar year was recommended at the first Budget Workshop meeting. He suggested performing a study of the budget after the first six months of the fiscal year, and if the funds are available, the merit increases could be reinstated, and made retroactive for those employees who were eligible the first six months.

City Attorney Jan K. Seiden read the resolution in its entirety.

Mayor Bain opened the public hearing to those persons wishing to speak.

Jack Odin of 1295 Thrush Avenue said that Downtown Revitalization reminds him of all the funds that were paid to the consultants, and that the City should not spend additional funds for studies that will sit on a shelf.

Mr. Odin stated that there are proposed revitalization projects that require a Comprehensive Plan revision, which is an involved process, and Council must budget the necessary funds to pay the City Attorney and City Planner to accomplish this task.

Mr. Odin felt that the improved condition of the Golf Course was due to the management of Dan Bradley, and the assistance of the Public Works Department. He said that the Golf Course is important to the property values and the quality of life, but the restaurant operation that is projected to lose \$345,765, should not be subsidized.

Mr. Odin urged the City Council not to approve the Food and Beverage contract with the Rhodes

Brothers unless they present a breakeven budget. He commented that there have been discrepancies in the Golf Course financial reports over the past years.

Marjorie Palmer of 141 Palmetto Drive spoke in favor of the Rhodes Brothers Food and Beverage proposal to increase the size of the banquet facility. She said the Rotary Club sponsors the Elderly Program at the Country Club, which provides the senior citizens with entertainment each month, and there are no political interests involved.

Michael Gavila of 684 Morningside Drive was of the opinion that the restaurant prices should be lowered in order to attract more business.

Betty Du Bois of 1025 Hunting Lodge Drive thanked Council for supporting the Rhodes Brothers. She felt that the Rotary Club provides a great service for the senior citizens, and the program should continue.

Vice Mayor Elza commented that the Rotary Club pays for the use of the Country Club facility and they do not receive anything free.

There were no additional speakers, and Mayor Bain closed the public hearing.

To answer Councilman Youngs' question, Finance Director Charles G. Marshall said that Council approved the tentative millage rate of 8.65. He said that the City Manager is recommending a millage rate of 8.1436, which is slightly less than last year, and this rate would allow a contingency of \$443,589.00, which is a reduction of \$350,585.00.

Councilman Caudle stated that he appreciates the City employees and the services they perform. He explained that the City Manager is recommending a 2% COLA, the merit increases would be considered in six months, and the cost of insurance is going down.

Councilman Youngs added that Council and the Administration have made sacrifices and that no employee positions would be eliminated. He asked Mr. Marshall to provide an estimate of how much the merit increases would be if they were reinstated after six months.

Mr. Sprovero stated that the total amount for merit increases would be difficult to determine because the increases would range from 1 to 5%. He suggested that after the end of six months, if the study shows that the merit increases could be reinstated, the maximum could be limited to 3%.

To answer Councilman Youngs' question, Mr. Marshall stated that after the six-month budget review, merit increases would be considered and the funds would come from the contingency funds.

Mayor Bain said that he would like to include the funds for the merit increases in the budget based on the Finance Director's estimate.

Mr. Marshall responded that the merit increases would be approximately \$40,000, but would not exceed \$50,000.

Mayor Bain recommended budgeting \$40,000 for merit increases.

Vice Mayor Elza recommended setting the millage rate at 8.1436, allocating \$40,000 from the contingency for merit increases, and conducting a salary survey with other cities. He said it would be a two-step process, and that Council might be able to restructure the pay scale to allow merit increases for those employees who are working at the top of their pay scale.

Councilman Youngs felt that the funds for the merit increases should remain in the Contingency fund.

Mr. Marshall recommended placing the funds for merit increases in the respective salary line items, and reducing the contingency to \$393,589.

Vice Mayor Elza moved to give direction to the Finance Director to implement the proposals in his memorandum dated September 8, 2003, prior to the final budget hearing so that Council may consider a lower millage rate. Councilman Caudle seconded the motion.

Councilman Youngs asked if the 8.1436 millage rate would balance the budget including \$50,000 for merit increases from January through September 2004, and a minimum contingency of \$393,000.

Mr. Marshall answered affirmatively.

Councilman Pacheco stated that it is important for the Country Club to break even at some point because the projected losses are equal to 5/10 of a mill, which is equal to the cost of merit increases and other important projects that Council would like to accomplish.

Mayor Bain said that the budget is close to last year's, there are no increases, and the budget accommodates everyone.

Vice Mayor Elza explained that when the contingency is reduced, there will be no funds available to subsidize the Golf Course, and Council gave direction to proceed forward in a direction that would result in a breakeven position.

Councilman Youngs stated that the City has good public employees that provide wonderful services, but the residents must pay taxes, and that makes the situation difficult.

The motion was unanimously carried on roll call vote.

Councilman Youngs moved to approve the resolution tentatively approving Fiscal Year 2003-2004 Budget and Councilman Caudle offered the second. On roll call vote the motion was

unanimously carried (Resolution No. 2003-3228).

7B) Public Hearing Regarding a Federal Block Grant Awarded to the Miami Springs Police Department in the Amount of \$16,530.00, with a Cash Matching Requirement of \$1,837.00, to be Paid out of the Law Enforcement Trust Fund (Advertised: 8/18/2003)

Acting Assistant City Manager/Chief of Police H. Randall Dilling stated that this is a grant that has been awarded to the Police Department for a number of years, and the primary target is crime suppression in the hotel district. The grant pays for police overtime, surveillance, and security details, and the match of \$1,837.00 would be funded from the Law Enforcement Trust Fund.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

Vice Mayor Elza moved to approve the grant application, and Councilman Youngs offered the second. On roll call vote, the motion carried 4-0 (Councilman Caudle was absent at roll call).

8. Consent Agenda: (Agenda Items 8A and 8 B were approved simultaneously)

8A) Approval of the City Attorney's Invoice for August 2003

There was no discussion regarding this item.

Vice Mayor Elza moved to approve and Councilman Pacheco offered the second. On roll call vote, the motion carried 4-0 (Councilman Caudle was absent at roll call).

8B) Recommendation that Council Approve an Expenditure of \$1,495.00 for an "Identi-Kit 2000 Program" to Smith and Wesson, as a Sole Source, to Purchase a Computer Software Program for the Purpose of Compiling Facial Composites (to include system updates), as provided for in Section 31.11 (E) (6) (c) of the City Code, to be Paid out of the Law Enforcement Trust Fund

There was no discussion regarding this item.

Vice Mayor Elza moved to approve and Councilman Pacheco offered the second. On roll call vote, the motion carried 4-0 (Councilman Caudle was absent at roll call).

9. Old Business:

9A) Report on Property Maintenance Regarding Air Conditioning Repairs for City Hall (Discussed: 9/2/2003)

Public Services Director Denise Yoezle referred to her report outlining the past year's air conditioning repairs. She explained there are repair problems that need long-term attention, and this is the reason she is requesting more funds in the proposed budget.

Ms. Yoezle said the most immediate need is the replacement of several valves, thermometers and gauges for an approximate cost of \$5,000.00. She said that there are leaks and clogs that reduce the cooling efficiency and over time they would only become worse. The second priority is the testing and balancing of the waterside and the airside, which will show why the cooling is not efficient, and how clogged the lines are.

Finance Director Charles G. Marshall confirmed that \$43,000 for the air conditioning repairs is included in the budget based on the reduced millage rate.

Ms. Yoezle emphasized the importance of including the funds in the budget to maintain the air conditioning system, which has not been maintained for forty years, before it becomes a large expense.

Vice Mayor Elza moved to include \$43,000 in the budget for the air conditioning repairs. Councilman Caudle seconded the motion.

Councilman Pacheco asked how much the tests would cost.

Ms. Yoezle estimated that immediate repairs would cost \$5,000.00, and the testing and balancing of the waterside and airside would cost \$8,000.00. She explained that a third party company does the testing and balancing and they do not make the repairs.

On roll call vote, the motion carried 4-1 with Mayor Bain casting the dissenting vote.

9B) Report Relative to Scheduling a Special Election Regarding Refinancing of the Golf Course Bonds (Discussed: 9/2/2003)

City Clerk Magalí Valls said that she spoke with the Miami-Dade County Elections Department and they would like the City to hold the Special election on November 18, 2003, which is the same date as the elections for the Cities of Hialeah, Miami and Miami Beach. She advised Council that a resolution calling for the Special Election must be passed on September 22, 2003, in order to allow the preparation of the ballot.

Ms. Valls added that the cost of the election would be approximately the same as the city's municipal election, there is \$17,000 included in the proposed budget, and all precincts would vote at the Recreation Center.

City Attorney Jan K. Seiden stated that first Council must waive the competitive bidding process before considering refinancing the bonds because there are many bond consultants that could provide this service. He added that Knox Wall has performed well for the City over the years and they are very familiar with the City's bonds.

Attorney Seiden said that Council should make a motion to initiate the process. Council would also have to anticipate the results of the election and what the cost would be for the preparation of the initial work. If the question on the ballot does not pass, then Council would know what costs would be involved.

Finance Director Charles G. Marshall notified Council that he had informed Bill Fussell of Knox Wall Division of Morgan Keegan & Co., Inc. of the original proposed date for the election, which was November 4, 2003, and they said they could meet that date. Additionally, they will not charge anything until the bonds are issued, and if the question does not pass, they would not bill the City.

Vice Mayor Elza moved to waive the competitive bid process and to work with the Knox Wall Division of Morgan Keegan & Co. Councilman Youngs seconded the motion.

Councilman Caudle inquired if it is likely that the City could find a more favorable interest rate.

The Finance Director responded that Knox Wall quoted the taxable rate as it is today, and they have not control over this. He felt that their fees are in line with other companies, they are very thorough, and they have been able to fulfill all the City's requests.

Councilman Youngs inquired if the Finance Director was satisfied with Knox Wall's services and if their fees are competitive. Also, he asked if there would be anything gained by having competitive bidding in terms of the cost of the bond refinancing, and if there is, how urgent is this issue for the City.

The Finance Director said it would be his preference to work with Knox Wall because of their knowledge and expertise. They are very well known, they have a good reputation, and it would take a minimum of five weeks to prepare a Request for Proposals.

To answer Councilman Youngs' question, the City Attorney said that he has never had a problem with Knox Wall when working with them in previous refinancing projects.

Vice Mayor Elza recalled that Knox Wall first worked with the City in 1992, when the City refinanced the sewer bonds. At that time, the City interviewed different companies and Knox Wall was the lowest bidder and the most cooperative firm. He added that the City also worked with them for the second sewer bond issue and the original Golf Course bonds.

Attorney Seiden informed Council that the competitive bidding process was also waived during the second and third times the firm of Knox Wall was hired by the City.

Councilman Youngs stated that time is of the essence.

Vice Mayor Elza agreed that time is of the essence, and that Council is committed to having a breakeven year at the Golf Course. If the referendum is not approved, and the Golf Course could not be leased, then Council would need to be even more frugal. He stated that he prefers Option 1, as outlined by the Finance Director, to keep the interest rates down and increase the annual debt service payment by \$85,000.

The question carried unanimously on roll call vote.

Councilman Caudle said that he would be in favor of Option 1 for the refinancing.

Vice Mayor Elza moved to approve Option 1 to refinance the Series 1997 General Obligation bonds for 14 years at approximately 5.7%, which would increase the annual debt service payment by approximately \$85,000 per year. Councilman Caudle seconded the motion.

City Attorney Jan K. Seiden stated that Knox Wall would prepare the basic format for the resolution.

To answer Councilman Youngs' question, the Finance Director said he would recommend Option 1 because the interest rate is lower, the debt service is \$1.8MM, and it would be prudent to pay off the bonds in 14 years.

Councilman Youngs said that this would add \$85,000 to the Golf Course operation, which already has a deficit.

Vice Mayor Elza said that the \$85,000 would be paid by the General Obligation Debt Service millage rate, and the only issue that has not been considered is the annexation process. He explained that considering the taxable value of the City, which is approximately \$724,000,000 and that a 3-5% yearly increase, would keep the millage rate at the same level.

The Finance Director agreed that Vice Mayor Elza made a good assumption, and that the rate could fluctuate very little.

Councilman Pacheco stated that he approves of Option 1, and that Council has a responsibility to the taxpayers to retire the debt and not incur additional years of interest.

The question carried unanimously on roll call vote.

9C) Recommendation for Award of Health, Dental, and Vision Insurance (Discussed: 8/25/2003)

Interim City Manager/Building Official Michael A. Sprovero said that the Administration formed a committee that reviewed the bids that were submitted for the City's health insurance coverage, and after an extensive study, they are recommending that Council approve the award to Aetna Health Maintenance Organization Program. He explained that there would be a cost savings compared to last year's premiums, and the Administration is recommending that the City's contribution for dependent coverage remain at 40%.

Attorney Seiden advised Council that they must waive the competitive bidding process.

Mr. Sprovero clarified that Council previously approved the Administration's recommendation to reject the bids so that lower rates could be negotiated with the different companies.

Councilman Youngs gave credit to Human Resources Director Loretta Boucher, Police Captain Peter Baan and Public Services Director Denise Yoezle for their negotiations, which saved the City \$69,000.

Ms. Boucher stated that the Committee compared the co-pay, specialists' co-pay, hospital charge per day, maximum hospital benefit, emergency room coverage, prescription costs and out patient services. She said that Aetna is comparable to what the City now has, their networking is good, and they cover Miami-Dade, Broward and Palm Beach Counties.

Based on their quotations, Ms. Boucher feels that Aetna is compatible. The current company, Blue Cross/Blue Shield increased their rates quite a bit and an opportunity was given to others to lower their prices, but BC/BS only went down about \$6.00. The problem is that the average age group in the City is 46 years and the City only has 140 employees.

Ms. Boucher checked with other cities that have Aetna and they gave her good references and said that they pay on time.

To answer Vice Mayor Elza's question, the Human Resources Director said that there will be no pre-existing conditions and she will also try to negotiate the deductible, so that employees that have already met the deductible will not have to pay it again for only two months, since the insurance will go into effect on November 1, 2003. She has been successful in negotiating this benefit in the past.

To answer Councilman Pacheco's question, Ms. Boucher clarified that the City was paying \$288.40 per employee and the cost would now be \$242.60, and naturally, the amount that the employees are required to pay for dependent coverage would also be reduced.

Ms. Boucher said that the Administration is also recommending that the City award the vision insurance to the same company with a new contract. For the dental insurance, the Administration recommends Paragon Dental Services Starmark 700 Plan. For the dental procedures, they have numbers for several procedures and the Committee compared these figures.

Vice Mayor Elza said that the Committee did a good job. He said he was at City Hall when the Committee was meeting and they spent a lot of time on this project.

Vice Mayor Elza moved to waive the competitive bid process and to award the health insurance to Aetna Health Maintenance Organization Program, the vision plan to CompBenefits, and the dental plan to Paragon Dental Services, as proposed. Councilman Pacheco seconded the motion, which was carried unanimously on roll call vote.

10. New Business:

10A) Status Report from Human Resources Director Loretta M. Boucher in Reference to Hiring a City Manager (Requested by Vice Mayor Elza)

Vice Mayor Elza said that he had requested this item to be placed on the agenda to see how the selection of City Manager is going.

Human Resources Director Loretta M. Boucher said that up to this date, 123 resumes have been received. After careful review of all the resumes and taking into consideration the candidates' information on their qualifications based on education, years of experience in management, years of experience in the government sector, she selected 19 resumes for further evaluation by a Review Panel.

Ms. Boucher further informed Council that ten out of the nineteen resumes are from Florida and nine are from other states. The Review Panel consists of three professionals who are in the process of reviewing resumes individually and selecting those who should be interviewed after the consensus of the Review Panel.

According to Ms. Boucher, the Review Panel will meet as a group to interview and recommend the top candidates to the City Council. The City Council will interview the top candidates to make a final selection of the new City Manager. She expects that by Friday of this week, she would have a consensus from each one of them individually. She will then set up an oral interview panel and the three of them will interview and make recommendations to the City Council.

Vice Mayor Elza asked Interim City Manager/Building Official Michael A. Sprovero if he was considering the position, since at one time he had indicated that he was only interested in being an Interim City Manager.

Mr. Sprovero responded that he had not submitted a resume, but that he has been thinking about it, and he has become interested in the position. He was dubious at the time he accepted the Interim City Manager position, but over the past two months he has become very comfortable in the position, and in working with Council. He said he was dubious at the time because the Administration was receiving a lot of criticism and it seems to have stopped. He thanked Staff for their fantastic help and support over the last two months.

Vice Mayor Elza said that although he was away for part of the time, he has enjoyed the atmosphere at City Hall, which is pleasant now. His feeling is that Mr. Sprovero has done a good job and if Mr. Sprovero has changed his mind, he may be considered for the position of City Manager. It has been a pleasure for him dealing with Mr. Sprovero.

Councilman Pacheco stated that keeping the City on a stable course is good, and it would benefit the

City having a Manager who has been working on an interim basis, and prior to that as an Assistant City Manager. He felt that Mr. Sprovero is well aware of the process, and that a new City Manager would probably take at least six months to get settled.

Councilman Caudle stated that he has always liked employees in the organization throwing their hats in the ring. He added that Mr. Sprovero has not been very long at the job, but he is doing a good job. He was surprised to hear that he is interested in a permanent position.

Mr. Sprovero said that from his experience in government work during the last twelve years, nine have been with the City of Miami Springs and he knows the City well. He started out as a Code Enforcement Officer, and then he was a Building Inspector, a Building Official, Assistant City Manager and Interim City Manager. He knows the Building Department, and he knows how the Finance and Public Work departments work.

Councilman Youngs had been disappointed that Mr. Sprovero was not interested initially, and he is now thrilled that he would consider holding the position on a permanent basis. He said that he would encourage Mr. Sprovero to be a candidate for the position.

Attorney Seiden said that from a logistically standpoint, since the selection has been made by the Human Resources Director, it would be appropriate for Mr. Sprovero to submit his application directly to Ms. Boucher so that she could fax it to the Review Panel.

Vice Mayor Elza asked the City Attorney if Council could just go ahead and give Mr. Sprovero the job.

Attorney Seiden asked if Council wanted to circumvent the entire process at this point.

Vice Mayor Elza stated that candidates from out of town could withdraw their applications if they have to face moving costs. These are some of the facts that need to be taken into consideration.

Attorney Seiden suggested that Council should schedule this matter as an agenda item for the next meeting to discuss suspending the process and simply giving Mr. Sprovero the job on a full time basis.

To answer the Mayor's question, Ms. Boucher stated that so far she has spent approximately \$1,500 in advertising. The panelists are professional people, and if for some reason, Council decides to suspend the process, she would rather know sooner than later since they would be spending a lot of time in reviewing the nineteen resumes and rendering an opinion. She could fax Mr. Sprovero's resume to the Review Panel, and he could be added to the interview process, but it would be better not to waste their time or the candidates' time to go through an interview.

Mayor Bain said he would prefer that Mr. Sprovero submit a resume and go through the interview process.

Councilman Youngs agreed. He wants to make sure that Council chooses the best person for the job. There was a review panel to hire the Chief of Police and the last City Manager, and he does not think that Mr. Sprovero would mind going through the process. There is also another internal candidate who he is hoping will also do well in the review process, and this would give Council the chance to see who the three, five or seven finalists will be.

Councilman Caudle moved to schedule the item for the next agenda for Council to decide whether to fill the position of City Manager then or go through the process.

Councilman Youngs clarified that the next meeting of Council is scheduled two weeks from tonight.

Mayor Bain reiterated that Mr. Sprovero should submit his application.

Vice Mayor Elza asked to wait and see what the vote is. **He seconded the motion for discussion.**

Councilman Youngs said that Council must give direction to the Human Resources Director.

Mayor Bain was in favor of going ahead with the process and for Mr. Sprovero to submit his resume in the meantime.

Attorney Seiden said that even if Council schedules the item for discussion at the next meeting, and Mr. Sprovero submits his resume, he is sure that he will be one of the candidates recommended for the position because of his qualifications. The process is that the Review Panel is going to send independently to the Human Resources Director a list with the ranking of people they believed should be interviewed. The City Attorney said the Council has the prerogative of telling the Review Panel to stop.

Attorney Seiden suggested that the roll be called regarding the motion on the floor.

Vice Mayor Elza clarified that Councilman Caudle made a motion to put the item on the agenda to consider appointing Mr. Sprovero as City Manager.

Mayor Bain emphasized that he wanted the process to go on and for Mr. Sprovero to submit his application.

Councilman Pacheco asked Councilman Caudle if there was a second to his motion, and Vice Mayor Elza stated that he had seconded the motion.

Vice Mayor Elza asked the Clerk for clarification of the motion. The Clerk said the motion on the floor was to place the item on the agenda at the next meeting to consider the appointment of Mike Sprovero as City Manager. The question carried unanimously on roll call vote.

Attorney Seiden said that now Council would have to make a decision to give direction to the Human Resources Director insofar as the process is concerned and whether or not to stop it.

Vice Mayor Elza said that he thought the process should be put on hold until discussion takes place at the next meeting. He felt that the Review Panel is working voluntarily, and it might not be right to ask them to spend a lot of time reviewing the resumes if Council decides to appoint Mr. Sprovero as the City Manager at the next meeting.

Councilman Caudle asked when the names would be turned over to the panel for selection.

Ms. Boucher stated that she should have a consensus by Friday, and she could hold up the consensus and not schedule any oral interviews with anyone until further instructions are received from Council at the meeting of September 22, 2003.

Councilman Caudle said that Mr. Sprovero should turn in his resume and that he would go through the same process unless Council makes another decision in two weeks.

To answer Councilman Youngs' question, Ms. Boucher explained the resumes were submitted to the panel, and she expects to get the results by Friday, September 12, 2003.

Attorney Seiden said that technically, Council does not need to make Mr. Sprovero go through the process because they have the prerogative to place anyone on the list. If Council feels the Acting City Manager deserves an interview, at least, in the final analysis, then he is not required to apply. He said that if the Review Panel goes through the interview process, it would only be fair to Mr. Sprovero to have an opportunity to submit the same type of documentation that everyone else has submitted.

Vice Mayor Elza asked if background checks are performed on all the applicants before the final interviews.

Ms. Boucher said that the Chief of Police would do a background check after the Review Panel selects the top four applicants, and they would sign a release. However, there would be an extensive background check performed before a final selection is made.

Attorney Seiden stated that the decision to ask Mr. Sprovero to fill the position of City Manager and the decision to stop the process is within Council's discretion, but Council must give direction to the Administration.

Vice Mayor Elza said that this matter would be placed on the next agenda and Ms. Boucher would hold the consensus until the next meeting.

Attorney Seiden stated that Council is not stopping the process and the Review Panel would be allowed to continue to make their selection.

Mayor Bain said that in all fairness, the process should continue and Mr. Sprovero should submit an application, the same as the other candidates, and Council would make a selection at the next meeting.

Vice Mayor Elza clarified that Council passed a motion to place an item on the agenda at the next meeting to consider Mr. Sprovero as the City Manager.

Councilman Youngs felt that Mr. Sprovero should go through the application process, and if for some reason, he is not selected as one of the final candidates, then Council would be able to deal with that at the next meeting.

Attorney Seiden advised Council that it would be appropriate to make a motion.

Councilman Youngs moved to continue the selection process and to have Interim City Manager/Building Official Michael A. Sprovero submit his application, and go through the process. Mayor Bain passed the gavel and seconded the motion.

Councilman Youngs said that continuing the process would give Council the chance to see the other applicants and it would not prejudice Council in any way as to what they might decide at the next meeting.

On roll call vote, the motion carried 3-2 with Vice Mayor Elza and Councilman Caudle casting the dissenting votes.

10B) Resolution - A Resolution of the City Council of the City of Miami Springs, Florida, Supporting and Endorsing the “No Place for Hate TM” Campaign Being Sponsored and Promoted by the Anti-Defamation League and the Miami-Dade County Community Relations Board; Encouraging Citizen Participation in the Campaign; Directions to the City Clerk; Effective Date (Requested by Councilman Pacheco)

Councilman Pacheco requested that Council table the resolution until the next meeting in order to allow the Anti-Defamation League an opportunity have a representative present to provide more information.

Councilman Youngs stated that the original proposal asked each of the municipalities to adopt or create a board and this is not included in this resolution. He explained that he is not in favor of doing this and he wanted to make sure it is not included.

Attorney Seiden clarified that he did not include that provision in the resolution. He asked Council to submit any changes or amendments.

The resolution was tabled until the September 22, 2003 meeting.

10C) First Reading - Ordinance - An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Sections 150-042, R-1B District; 150-043, R-1C District; and 150-044, R-1D District; by Adding a Provision in Each Ordinance Section to Permit the Conditional Construction of Porte-Cochere Structures in Each of the Corresponding Single Family Residential Zoning Districts Specified; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden explained that this is the ordinance that Council directed him to draft pursuant to the last Board of Appeals case. There are four residential zoning districts in the City, and he omitted the R-1 A District because this district encompasses the houses that have very large front yards and more than 10,000 square foot lots are required.

Jack Odin of 1295 Thrush Avenue said that the Board of Adjustment denied a variance for a property on Truxton Drive, and this decision was based on the fact that there were many requests to move the front yard forward, especially with the construction of porte-cocheres. The front yard setback is where the front of the house is, and most of the properties on that side of the block on Truxton have 50-foot setbacks, while across the street the setbacks are 30-feet. The Board felt that the Code should be changed.

Attorney Seiden clarified that he specifically omitted the R-1 A district, and the existing ordinance provisions deal with the average of the size. He explained that City Planner Richard E. Ventura checked the R-1 B district and every case that he saw, in his estimation, was within the same framework as the R-1 C and the R-1 D, but not the R-1 A. The porte-cochere structure condition would not be harmful to the neighborhood in those districts because the setbacks are 30-feet plus or minus, whereas, in the other districts they are 50-feet plus.

Mr. Odin said the house on Truxton is a 60-foot lot, this could also occur on a 50-foot lot, and the porte-cochere would be as wide as the house, but the City Attorney included a provision that it could not be any more than 50% of the frontage of the house.

Attorney Seiden said that porte-cochere structures could be constructed up to the line required for the thirty-foot front setback, so long as the structure is open on all unattached sides or supported by no more than two columns adjacent to the front line setback. In addition, they are not to be wider than fifty percent of the width of the residential structure to which they are attached, and they must be constructed with the express understanding and agreement that the structure shall never be enclosed on any side.

Vice Mayor Elza felt that 50% of the depth of the lot would be too excessive, and the structure should not exceed more than thirty feet.

Councilman Youngs suggested amending the ordinance to include a maximum footage of thirty feet.

Vice Mayor Elza pointed out that the proposed ordinance does not specify what the construction material should be, including the type of roof.

Mr. Odin stated that perhaps some architectural details should be added to the ordinance, specifying that the structure should be an architectural feature to the house, and not a flat aluminum roof structure.

Interim City Manager/Building Official Michael A. Sprovero clarified that the true definition of a porte-cochere is a structure that is open on three sides, attached to the building at the main entrance of the structure, and is used for the capability of driving through it.

Attorney Seiden suggested adding the definition for porte-cochere into the City Code. He said that the porte-cochere should be constructed with the express understanding and agreement that the structure would never be enclosed on any side, it should be utilized for vehicular access, and parking only, and not for storage, and otherwise conform to all other relevant and related code sections for construction and placement in the areas designated.

Councilman Youngs stated that the proposed ordinance addresses the width, but not the depth, and there is nothing that would prohibit the parking of seven cars side by side.

Attorney Seiden explained that the specified zoning districts have small front yards, and they could extend to the thirty-foot front yard setback without having a structure that is too deep.

Mr. Odin stated that the 50% of the depth of the lot is from the front of the porte-cochere, and this allows an encroachment into the front yard setback. He said that the depth should be from the front of the house.

Councilman Pacheco was concerned that in the future, someone could relax the ordinance, and allow the addition of a new family room or bedroom in front of the house up to the end of the porte-cochere.

Vice Mayor Elza felt that there are too many issues, and the Code Review Board should meet to work out the details before Council makes a decision.

Councilman Youngs referred to a case where the homeowner agreed to reschedule the hearing on a variance request in order to allow the City Council to change the Code to allow porte-cochere structures under a limited, controlled condition, and in a timely fashion. He said that if Council could agree on the issues, he would like to resolve the matter without referring it to the Code Review Board.

Councilman Youngs said that in this particular case, he would not have approved the variance request, because it would have been a violation of the Code because there was no hardship. He explained that Council agreed to consider amending the Code to make it suitable for porte-cocheres if the structures conform to the 30-foot setback requirement.

Vice Mayor Elza reiterated that he would like all the questions answered and to receive input from a knowledgeable source in order to avoid repercussions in the future.

Attorney Seiden suggested that he could address the issues that were raised and bring the ordinance back for a second first reading at the September 22, 2003 meeting, and if Council does not reach a decision at that time, the matter could be sent to the Code Review Board.

Council directed the City Attorney to make changes, as discussed, and bring the ordinance back for second “first reading” at the September 22, 2003 meeting.

10D) Appointment to the Code Enforcement Board by Vice Mayor Elza (Group I) for a Full 3-year Term Ending on September 30, 2006

Vice Mayor Elza (Group I) **reappointed** Leah Orr to the Code Enforcement Board for a full 3-year term ending on September 30, 2006.

10E) Appointment to the Code Enforcement Board by Councilman Pacheco (Group III) for a Full 3-year Term Ending on September 30, 2006

Councilman Pacheco **reappointed** Jacqueline Martinez Regueira to the Code Enforcement Board for a full 3-year term ending on September 30, 2006.

10F) Review Policy on Tree Cutting (Requested by Councilman Pacheco)

Councilman Pacheco stated that the public has commented about tree removal over the last few months, including the removal of one Banyan tree and two Royal Poinciana trees. He suggested that the Board of Parks and Parkways should review the City’s tree cutting policy.

Public Services Director Denise Yoezle explained that one of the trees in question was a dead Banyan tree in the City swale with roots that encroached the foundation of the adjacent property. She clarified that one Royal Poinciana tree was removed, the permit was issued for two trees, and the homeowner has agreed not to remove the second tree.

Ms. Yoezle said that the Public Works Department does not issue tree removal permits without good

reason. When she went to the site where the Royal Poinciana tree was located, she found that the roots were lifting the driveway and encroaching the foundation of the home. Ms. Yoezle felt that the tree permitting process is good, although it is open to review, and it seems the issue is that the neighbors were not given proper notification about the tree removal.

Mayor Bain said that Ms. Yoezle is comfortable with the tree permitting process, and there were only two cases that the public complained about. He suggested that notification should be sent to the residents about tree removal.

Councilman Pacheco asked Ms. Yoezle if she could prepare an administrative policy notifying resident that the City plans to remove trees in the neighborhood.

Ms. Yoezle agreed to implement a policy to notify residents in the surrounding area that a tree removal permit was granted and the reason why. She will draft a form letter to include in the tree permitting policy.

Councilman Pacheco said that the concern was that the homeowner requested a tree removal permit because the tree was making the roof dirty. He explained that most people have trees that soil the roofs of their homes, and if this were a valid argument, then the City would lose many trees.

Ms. Yoezle added that the grass was not growing under the tree in addition to soiling the roof.

Councilman Youngs asked if those two reasons are not sufficient for tree removal according to the current policy.

Mayor Bain felt that the Public Services Department uses good judgment when granting tree removal permits, and that Ms. Yoezle could handle the situation.

Councilman Pacheco felt that the Public Services Director has good judgment, but this is a case where something was overlooked.

Vice Mayor Elza was of the opinion that something went wrong with the policy and it should be corrected. He said that the entire community suffers when trees are removed, and the policy should be addressed.

Councilman Youngs stated his point was that the Public Services Director should be able to articulate what are the permissible reasons for removal of a specimen tree.

Ms. Yoezle stated that the only valid reason for tree removal is when the tree roots are damaging to the property. She agreed that the inability to grow grass and the roof debris were not good reasons. Ms. Yoezle reiterated that when she went to the site in question, she found the tree roots were causing damage.

Council directed the Public Services Director to issue an administrative policy and a letter notifying the residents of tree removals.

Martin Marquez of 401 Hunting Lodge Drive said that he is concerned about the second Royal Poinciana tree that was included in the original permit, and he would like to revoke the permit so that the tree cannot be removed.

Ms. Yoezle said that the homeowner agreed not to remove the second tree, and she could revoke the permit as a formality.

Councilman Pacheco asked Ms. Yoezle to notify the homeowner that the permit for removal of the second tree is revoked.

11. Golf Course Items:

11A) Consideration of Award for Professional Marketing Services for the Golf Course Food and Beverage Operation to The Conroy Martinez Group (Tabled: 6/23/2003)

Interim City Manager/Building Official Michael A. Sprovero stated that it is the recommendation of the Administration not to approve the award for professional marketing services to The Conroy Martinez Group for the Golf Course Food and Beverage operation.

Mr. Sprovero explained that the Administration feels that the advertising and promotions can be done in-house with the available funds in the Food and Beverage budget.

Vice Mayor Elza moved to approve the recommendation and Councilman Caudle seconded the motion, which carried unanimously on roll call vote.

12. Other Business:

None.

13. Reports & Recommendations:

13A) City Attorney

No report.

13B) City Manager

Noise Abatement Task Force

Interim City Manager/Building Official Michael A. Sprovero reported that he and Vice Mayor Elza went to the Miami-Dade County Department of Aviation. There is a Noise Abatement Task Force that meets once a month on the fourth Wednesday, and Council has not had a representative on this board for sometime.

Vice Mayor Elza moved to appoint Councilman Caudle as the representative to the Noise Abatement Task Force, and Councilman Pacheco as the alternate. Councilman Youngs seconded the motion, which carried unanimously on roll call vote.

13C) City Council

Jimmy Morales Kick-off Campaign

Councilman Youngs informed Council that he attended the Kick-off Campaign for Jimmy Morales, who is running for County Mayor, and commented that it is important for the City to stay connected with the County.

Foreign Trade Zone

Vice Mayor Elza reported that he attended the Free Trade Zone meeting, and that there would be a conference in November with the ministers of thirty-four countries, at which time Miami will be considered. He would like the City to participate and promote Miami Springs.

Putt-putt Golf

Councilman Caudle suggested that an area could be designated at the Golf Course for Putt-putt golf and to make an offer to the businesses of Miami Springs to sponsor a hole. He said that this could be a family activity, and it would give the merchants an opportunity to be a part of the Golf Course. He indicated that he wanted to proceed with obtaining estimates if there were no objections from Council.

“Taste of the Springs”

Councilman Pacheco reminded everyone that the “Taste of the Springs” event would be held at the Miami Springs Golf and Country Club on Sunday, September 28, 2003, beginning at 5:00 p.m. He

urged everyone to participate and said that tickets are available throughout the City and at Milam's Market on the weekends.

Cozy Corner Restaurant

Mayor Bain announced that the Cozy Corner restaurant was rated the number three breakfast spot in Miami-Dade County, and that they would be featured that night on the 10:00 p.m. news. He congratulated the restaurant owners.

14. Adjourn.

There being no further business to be discussed the meeting was adjourned at 10:07 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 10/13/2003

Transcription assistance provided by S. Hitaffer

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.